UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/SP/SR.6
10 December 1993

ENGLISH
Original: FRENCH

MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Fourth Meeting

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 November 1993, at 3.30 p.m.

Chairman: Mr. GIAN NATH (Mauritius)

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Closure of the meeting

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The meeting was called to order at 3.45 p.m.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1993, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 TO 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (CAT/SP/15 and addenda) (continued) (agenda item 5) (CAT/SP/15 and Add.1 to 4)

1. The CHAIRMAN announced that a second vote would be taken by secret ballot to continue the election of members of the Committee against Torture.

2. Mr. Guidetti (Switzerland) and Mrs. Araujo (Portugal) continued to act as tellers.

3. The CHAIRMAN announced the results of the second ballot:

Number of ballot papers:	61
Number of invalid ballots:	2
Number of valid ballots:	59
Abstentions:	1
Number of representatives voting:	58
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	28
Mr. Karabec (Czech Republic)	27
Mr. Regmi (Nepal)	26
Mr. Sadi (Jordan)	24

4. The CHAIRMAN announced that, since no candidate had obtained the required majority, a third vote would be taken by secret ballot.

5. Mr. CHAPLIN (United Kingdom) asked what would happen if no candidate obtained the required majority in the next ballot.

6. Mr. BRUNI (Secretary of the Committee) read out the English version of rule 15 of the rules of procedure of the Meetings of States Parties (CAT/SP/2/Rev.1). If no candidate obtained the required majority in the third ballot, a further vote would be taken.

7. The CHAIRMAN announced the results of the third ballot:

Number of ballot papers:	60
Number of invalid ballots:	1
Number of valid ballots:	59
Abstentions:	None
Number of representatives voting:	59
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	27
Mr. Karabec (Czech Republic)	26
Mr. Regmi (Nepal)	30
Mr. Sadi (Jordan)	20

8. Having obtained the required majority, Mr. Regmi was elected member of the Committee against Torture for a four-year term beginning on 1 January 1994.

9. The CHAIRMAN announced that one other candidate still had to be elected; the representatives of the States parties would be required to vote for either Mr. Dipanda Mouelle (Cameroon) or Mr. Karabec (Czech Republic).

10. Mr. CHABEN (Uruguay), Mr. LAGHMARI (Morocco), Mr. GEGMAN (Yemen) and Mr. TALHAIRI (Jordan) objected to that procedure and referred to rule 15 of the rules of procedure, which stated that "after the third inconclusive ballot, votes may be cast for any eligible nominee".

11. Mr. BRUNI (Secretary of the Committee) emphasized the need to restrict the voting in the next ballot to the candidates who had obtained the largest number of votes in the previous ballot, namely, Mr. Dipanda Mouelle and Mr. Karabec. The extract quoted from rule 15 in fact referred to the third "inconclusive" ballot after the first ballot in which the persons elected to the Committee were those nominees who obtained the largest number of votes and an absolute majority of the votes of the representatives of States parties present and voting. It did not apply to the current situation.

12. The CHAIRMAN endorsed the secretariat's position concerning rule 15 and said that it was also necessary to respect the precedent established on the basis of legal advice during the election of members of the Committee on the Rights of the Child.

13. Mr. CHABEN (Uruguay) said that the text of rule 15 should be harmonized in all languages; the Spanish version, which read "si después de la tercera votación no se hubieran cubierto esos puestos", did not contain the word "inconclusive", as used in the English and French versions.

14. The CHAIRMAN took note of that request and called for a further ballot, under the conditions that had just been specified.

15. The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.

16. The CHAIRMAN announced the results of the fourth ballot:

Number of ballot papers:	60
Number of invalid ballots:	None
Number of valid ballots:	60
Abstentions:	2
Number of representatives voting:	58
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	30
Mr. Karabec (Czech Republic)	28

17. Having obtained the required majority, Mr. Dipanda Mouelle was re-elected member of the Committee against Torture for a four-year term beginning on 1 January 1994.

18. The CHAIRMAN congratulated the newly elected members.

OTHER MATTERS (continued) (agenda item 7)

19. Mr. GEGMAN (Yemen) said that he wished to revert to two points raised at the previous meeting. Firstly, his delegation considered that the States parties should have more input in the Committee's activities and that the Meetings of the States Parties to the Convention should not be confined to simply electing members of the Committee. The Meetings were, of course, concerned with the Committee's budget, as well as other matters, but should perhaps also take a closer interest in the functioning of the Committee. His delegation therefore supported the idea of enabling the Meetings of the States Parties to contribute very actively to the work of the Committee against Torture.

20. Secondly, with regard to rules 16 and 17 of the rules of procedure, his delegation protected against the fact that two official languages of the United Nations were not used in the Meetings of the States Parties. He proposed that those rules should be amended and that all the Organization's official languages should be working languages of Meetings of the States Parties to the Convention against Torture.

21. He would appreciate a positive response concerning those two questions as early as possible since the Committee's activities and, consequently, the implementation of the Convention against Torture could only benefit therefrom.

22. The CHAIRMAN reminded representatives that the rules of procedure of the Meetings of the States Parties dated from July 1989, and pointed out that the cost to the States parties would be US$ 304,900 in 1994 and US$ 328,200 in 1995 for each additional language. That amounted to more than US$ 600,000 annually, a point to which the Meeting would have to give some thought. He had, in any event, taken note of the proposal, and which consultations would need to be held.

23. Mr. BEBARS (Egypt) said that his country had also supported the proposal to make Arabic and Chinese official languages of the Meetings of the States Parties.

24. Mr. SEZGIN (Turkey) referred to the formal proposal made at the previous meeting by his delegation and supported by two others, to introduce a new agenda item concerning the Committee's work. He would like to know what action would be taken on that proposal.

25. Mrs. KLEIN (Representative of the Secretary-General) noted that the agenda of the Meetings of the States Parties had not originally included an item entitled "Other matters" and that it had been added at the request of the States parties. By definition, any matter could be raised under that agenda item. However, if the Meeting wished to add another item to its agenda, it would have to take a decision to that effect and legal advice would then have to be requested.

26. Mr. SEZGIN (Turkey) sought clarification as to whether agenda item 7, "Other matters", was the appropriate item for substantive discussion on the operation of the Convention and the work of the Committee. He wished to be sure that his delegation's statement at the previous meeting really came within the scope of item 7 of the agenda for the current session.

27. The CHAIRMAN replied in the affirmative and said that it would be advisable for the Turkish delegation to take the necessary steps at the end of the Meeting to ensure that its proposal was acted upon.

28. Mrs. PENNEGARD (Sweden) said that she wished to express her delegation's concern about the statement made by the representative of Turkey. In the limited time available, her delegation had consulted some other delegations and knew that its concern was shared by a number of them, including the delegations of the other Nordic countries and those of Australia, Austria, Canada, Italy, France, Germany, the Netherlands, New Zealand, the United Kingdom, the Russian Federation and Switzerland.

29. Those delegations respected the right of States parties to express their views on matters of concern to them. However, they believed that it was important to safeguard the well-established practice that the Meetings of the States Parties should be devoted only to their primary tasks, namely, the election of members of the Committee against Torture, financial questions relating to implementation of the Convention and other general matters, and not deal with specific reports or cases considered by the Committee.

30. Mr. SEZGIN (Turkey) said that he wished to clarify a point in reply to the representative of Sweden. The rules of procedure in no way prevented delegations from making statements on matters of direct concern to the States parties; on the contrary, the Meetings were a particularly appropriate forum in which to discuss the Committee's work. Furthermore, the rules of procedure did not prevent delegations from raising substantive problems under the agenda item entitled "Other matters". To avoid any misunderstanding, he wished to reiterate that a specific item concerning the Committee's work should be included in the agenda of the next Meeting. The time available was obviously limited but the States parties must be allowed to do more than act as mere spectators.

31. Mr. BEBARS (Egypt) supported the representative of Turkey.

32. Mr. LAGHMARI (Morocco) likewise supported the statement by the representative of Turkey. In addition, he endorsed the proposal that all the official languages ~~of~~ the United Nations should be working languages of the Meetings of the States Parties; that should also be the case for the meetings of the Committee against Torture.

33. Mr. SCHERK (Austria) pointed out that the report of the Committee against Torture would have to be made available for any discussion of the Committee's work. That report, however, was prepared for the General Assembly and the Commission on Human Rights, which were the appropriate bodies to discuss it. Moreover, delegations should not lose sight of the important fact that the Committee against Torture was an independent body and it was not for the States parties to question that independence; their function was to elect the members of the Committee.

34. Mr. SEZGIN (Turkey) referred the representative of Austria to article 24 of the Convention against Torture, which required the Committee to submit its annual report "to the States Parties and to the General Assembly". It made no mention of the Commission on Human Rights but certainly did refer to the States parties.

35. The CHAIRMAN said that he did not wish the Meeting to become engaged in polemics over the point at issue. It was clear that delegations as well as the secretariat had taken due note of the very coherent views expressed on each side. Recalling that the Committee's tasks were set forth in articles 19 to 24 of the Convention, he closed the discussion under agenda item 7.

CLOSURE OF THE MEETING

36. After an exchange of courtesies, the CHAIRMAN declared the Meeting closed.

The meeting rose at 5.25 p.m.